

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1846 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-33-2-9 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. "Gambling game"
- 5 includes any of the following if approved by the commission as a
- 6 wagering device:
- 7 (1) Baccarat.
- 8 (2) Twenty-one.
- 9 (3) Poker.
- 10 (4) Craps.
- 11 (5) Slot machine.
- 12 (6) Video games of chance.
- 13 (7) Roulette wheel.
- 14 (8) Klondike table.
- 15 (9) Punchboard.
- 16 (10) Faro layout.
- 17 (11) Keno layout.
- 18 (12) Numbers ticket.
- 19 (13) Push card.
- 20 (14) Jar ticket.
- 21 (15) Pull tab.
- 22 (16) Big six.
- 23 **The term does not include wagering on simulcast horse racing at a**
- 24 **racebook operated under IC 4-33-19.**
- 25 SECTION 2. IC 4-33-4-3 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The commission
2 shall do the following:

3 (1) Adopt rules that the commission determines necessary to
4 protect or enhance the following:

5 (A) The credibility and integrity of gambling operations
6 authorized by this article.

7 (B) The regulatory process provided in this article.

8 (2) Conduct all hearings concerning civil violations of this article.

9 (3) Provide for the establishment and collection of license fees and
10 taxes imposed under this article.

11 (4) **Except as provided in IC 4-33-6-12(f) and IC 4-33-6.5-5(c),**
12 deposit the license fees and taxes in the state gaming fund
13 established by IC 4-33-13.

14 (5) Levy and collect penalties for noncriminal violations of this
15 article.

16 (6) Deposit the penalties in the state gaming fund established by
17 IC 4-33-13.

18 (7) Be present through the commission's inspectors and agents
19 during the time gambling operations are conducted on a riverboat
20 to do the following:

21 (A) Certify the revenue received by a riverboat.

22 (B) Receive complaints from the public.

23 (C) Conduct other investigations into the conduct of the
24 gambling games and the maintenance of the equipment that the
25 commission considers necessary and proper.

26 (8) Adopt emergency rules under IC 4-22-2-37.1 if the
27 commission determines that:

28 (A) the need for a rule is so immediate and substantial that
29 rulemaking procedures under IC 4-22-2-13 through
30 IC 4-22-2-36 are inadequate to address the need; and

31 (B) an emergency rule is likely to address the need.

32 (9) Adopt rules to establish and implement a voluntary exclusion
33 program that meets the requirements of subsection (c).

34 (b) The commission shall begin rulemaking procedures under
35 IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted
36 under subsection (a)(8) not later than thirty (30) days after the adoption
37 of the emergency rule under subsection (a)(8).

38 (c) Rules adopted under subsection (a)(9) must provide the
39 following:

40 (1) Except as provided by rule of the commission, a person who
41 participates in the voluntary exclusion program agrees to refrain
42 from entering a riverboat or other facility under the jurisdiction of
43 the commission.

44 (2) That the name of a person participating in the program will be
45 included on a list of persons excluded from all facilities under the
46 jurisdiction of the commission.

47 (3) Except as provided by rule of the commission, a person who

participates in the voluntary exclusion program may not petition the commission for readmittance to a facility under the jurisdiction of the commission.

(4) That the list of patrons entering the voluntary exclusion program and the personal information of the participants are confidential and may only be disseminated by the commission to the owner or operator of a facility under the jurisdiction of the commission for purposes of enforcement and to other entities, upon request by the participant and agreement by the commission.

(5) That an owner of a facility under the jurisdiction of the commission shall make all reasonable attempts as determined by the commission to cease all direct marketing efforts to a person participating in the program.

(6) That an owner of a facility under the jurisdiction of the commission may not cash the check of a person participating in the program or extend credit to the person in any manner. However, the voluntary exclusion program does not preclude an owner from seeking the payment of a debt accrued by a person before entering the program.

SECTION 3. IC 4-33-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) Unless the owner's license is terminated, expires, or is revoked, the owner's license may be renewed annually upon:

(1) the payment of ~~a five thousand dollar (\$5,000)~~ **an annual renewal fee in the amount determined under subsection (e);** and

(2) a determination by the commission that the licensee satisfies the conditions of this article.

(b) A licensed owner shall undergo a complete investigation every three (3) years to determine that the licensed owner remains in compliance with this article.

(c) Notwithstanding subsection (b), the commission may investigate a licensed owner at any time the commission determines it is necessary to ensure that the licensee remains in compliance with this article.

(d) The licensed owner shall bear the cost of an investigation or reinvestigation of the licensed owner and any investigation resulting from a potential transfer of ownership.

(e) The commission shall impose an annual renewal fee as follows:

(1) The fee is five thousand dollars (\$5,000) if the licensed owner pays the fee imposed under IC 4-33-19-7.

(2) The fee is two million dollars (\$2,000,000) if the licensed owner does not pay the fee imposed under IC 4-33-19-7.

(f) The commission shall place in the state general fund the fee described in subsection (e). The treasurer of state shall transfer the fees deposited in the state general fund under this subsection to the auditor of state for deposit in a special account for a county that

1 constructs a football stadium (as defined in IC 6-9-30-5). The
 2 auditor of state shall transfer money in the special account to the
 3 capital improvement board of managers established under
 4 IC 36-10-9-3 on a monthly basis as the money is received.

5 SECTION 4. IC 4-33-6.5-5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) After selecting
 7 the most appropriate operating agent applicant, the commission may
 8 enter into an operating agent contract with the person. The operating
 9 agent contract must comply with this article and include the following
 10 terms and conditions:

11 (1) The operating agent must pay a nonrefundable initial fee of
 12 one million dollars (\$1,000,000) to the commission. The fee must
 13 be deposited by the commission into the West Baden Springs
 14 historic hotel preservation and maintenance fund established by
 15 IC 36-7-11.5-11(b).

16 (2) The operating agent must post a bond as required in section 6
 17 of this chapter.

18 (3) The operating agent must implement flexible scheduling.

19 (4) The operating agent must locate the riverboat in a historic
 20 hotel district at a location approved by both the commission and
 21 the historic hotel preservation commission established under
 22 IC 36-7-11.5.

23 (5) The operating agent must comply with any requirements
 24 concerning the exterior design of the riverboat that are approved
 25 by both the commission and the historic hotel preservation
 26 commission established under IC 36-7-11.5.

27 (6) Notwithstanding any law limiting the maximum length of
 28 contracts:

29 (A) the initial term of the contract may not exceed twenty (20)
 30 years; and

31 (B) any renewal or extension period permitted under the
 32 contract may not exceed twenty (20) years.

33 (7) The operating agent must collect and remit all taxes under
 34 IC 4-33-12 and IC 4-33-13.

35 (8) The operating agent must comply with the restrictions on the
 36 transferability of the operating agent contract under section 12 of
 37 this chapter.

38 (9) The operating agent must pay an annual fee in the amount
 39 determined under subsection (b).

40 (b) The commission shall impose an annual fee on the operating
 41 agent as follows:

42 (1) The fee is five thousand dollars (\$5,000) if the operating
 43 agent pays the fee imposed under IC 4-33-19-7.

44 (2) The fee is two million dollars (\$2,000,000) if the operating
 45 agent does not pay the fee imposed under IC 4-33-19-7.

46 (c) The commission shall place in the state general fund the fee
 47 described in subsection (b). The treasurer of state shall transfer the

fees deposited in the state general fund under this subsection to the auditor of state for deposit in a special account for a county that constructs a football stadium (as defined in IC 6-9-30-5). The auditor of state shall transfer money in the special account to the capital improvement board of managers established under IC 36-10-9-3 on a monthly basis as the money is received."

Page 1, delete lines 1 through 17.

Delete pages 2 through 6.

Page 7, delete lines 1 through 34, begin a new paragraph and insert:

"SECTION 5. IC 4-33-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 19. Racebooks

Sec. 1. "Racebook" means a riverboat facility at which pari-mutuel wagering is conducted on horse racing conducted at distant locations and viewable by televised simulcasting.

Sec. 2. A licensed owner or operating agent may apply to the commission for permission to operate a racebook at the riverboat operated by the licensed owner or operating agent. The commission may grant a licensed owner or operating agent permission to operate a racebook under this chapter if the licensed owner or operating agent:

- (1) satisfies the requirements of this chapter;
- (2) satisfies any the rules adopted by the commission concerning racebooks; and
- (3) pays the fee imposed under section 7 of this chapter.

Sec. 3. A racebook operated under this chapter must have:

- (1) full dining service available; and
- (2) multiple screens to enable each patron to view simulcast races.

Sec. 4. A licensed owner or operating agent that requests permission to operate a racebook must submit to the commission a racebook statement in a form prescribed by the commission. This form must include the following information:

- (1) The estimated number of full-time and part-time jobs to be created at the proposed racebook.
- (2) The type of seating to be provided, including areas in the proposed racebook where patrons may handicap races.
- (3) The total seating capacity of the proposed satellite facility.
- (4) The size and number of toilet facilities in the proposed racebook.
- (5) The availability of food and beverages at the proposed racebook, including the number of tables and chairs, kitchen facilities, and concession stands.
- (6) A description of the appearance of the proposed racebook, including lighting, decor, and plans for the exterior of the

1 facility.

2 (7) The number of betting windows and stand-alone terminals
3 to be provided at the proposed racebook.

4 (8) A description of the heating and air conditioning units,
5 smoke removal equipment, and other climate control devices
6 at the proposed racebook.

7 (9) The total square footage of the proposed racebook.

8 (10) Any other information required by the commission.

9 Sec. 5. A licensed owner or operating agent that is authorized to
10 operate a racebook under this chapter may accept and transmit
11 pari-mutuel wagers on horse racing at the racebook and may
12 engage in all activities necessary to establish and operate
13 appropriate satellite wagering facilities, including the following:

14 (1) Live simulcasts of horse racing.

15 (2) Construction or leasing of satellite wagering facilities.

16 (3) Sale of food and beverages.

17 (4) Advertising and promotion.

18 (5) All other related activities.

19 Sec. 6. (a) At the close of each day on which a licensed owner or
20 operating agent conducts pari-mutuel wagering on simulcast horse
21 racing at a racebook authorized under this chapter, the licensed
22 owner or operating agent shall pay to the department of state
23 revenue a tax on the total amount of money wagered on that day
24 equal to two and one-half percent (2.5%) of the total amount of
25 money wagered on simulcasts at the racebook.

26 (b) The payment of the tax under this section must be on a form
27 prescribed by the department.

28 (c) The department may require payment under this section to
29 be made by electronic funds transfer (as defined in IC 4-8.1-2-7(e)).

30 (d) If the department requires taxes to be paid under this section
31 through electronic funds transfer, the department may allow the
32 licensed owner or operating agent to file a monthly report to
33 reconcile the amount of taxes paid to the department.

34 Sec. 7. The commission shall impose an annual fee of two million
35 dollars (\$2,000,000) on each licensed owner or operating agent that
36 operates a racebook under this chapter.

37 Sec. 8. (a) The department shall place in the state general fund
38 the tax revenue collected under this chapter.

39 (b) The commission shall place in the state general fund the fees
40 collected under this chapter.

41 Sec. 9. The treasurer of state shall transfer the taxes and fees
42 deposited in the state general fund under this chapter to the auditor
43 of state for deposit in a special account for a county that constructs
44 a football stadium (as defined in IC 6-9-30-5). The auditor of state
45 shall transfer money in the special account to the capital
46 improvement board of managers established under IC 36-10-9-3 on

- 1 **a monthly basis as the money is received."**
 - 2 Page 9, line 11, after "(IC 4-33-13);" insert "**the racebook wagering**
 - 3 **tax (IC 4-33-19-6);"**.
 - 4 Page 9, line 30, delete "the professional sports team excise tax
 - 5 (IC 6-9-35);".
 - 6 Page 11, delete lines 8 through 42.
 - 7 Page 12, delete lines 1 through 31.
 - 8 Page 15, delete lines 6 through 42.
 - 9 Delete pages 16 through 17.
 - 10 Page 18, delete lines 1 through 38.
 - 11 Re-number all SECTIONS consecutively.
- (Reference is to HB 1846 as printed February 25, 2005.)

Representative Denbo